

REMARKS

In the March 11, 2004 Office Action, the Examiner noted that claims 1-8 and 10-20 were pending in the application and were rejected under 35 USC §103(a) as unpatentable over U.S. Patent 5,867,714 to Todd et al. in view of U.S. Patent 5,845,077 to Fawcett (References A and B in the November 19, 2001 Office Action). Claim 7 has been cancelled and thus, claims 1-6, 8 and 10-20 remain in the case. The Examiner's rejections are traversed below.

Newly Relied on Prior Art: U.S. Patent 5,845,077 to Fawcett

The Fawcett patent is directed to a system for identifying and obtaining computer software from a remote computer. The remote, or user, computer establishes a two-way communication link with an update service center and provides an inventory of computer software on the user computer. The update service center uses this inventory to determine whether there are patches or fixes for existing computer software, new versions of existing computer software, or new computer software or help files that might be of interest to the user. A summary of what is found by the update service center is sent to the user computer for the user to consider in updating his or her computer. At column 5, lines 11-16, it is noted that the update service center may be "connected to a remote network (e.g. the Internet) or a remote site (e.g. a satellite) ... [to enable] the update service center to provide a wider variety of computer software than could be stored at the update service center." Nothing has been cited or found in Fawcett suggesting the origin of the computer software obtained by the update service center.

Rejections under 35 USC § 103(a)

On pages 2-6 of the Office Action, claims 1-8 and 10-20 were rejected under 35 USC § 103(a) as unpatentable over Todd in view of Fawcett. In making this rejection, Fawcett was relied on as suggesting "a central update service center which contains software products and files from vendors other than the vendor which developed the software application currently being tracked on the user's system" (Office Action, page 4, lines 7-9). As noted above, no statement that other vendor's software is offered to a user was cited or has been found in Fawcett and thus, the quoted statement is an assertion by the Examiner of what would be obvious to one of ordinary skill. The Applicants note that Fawcett is assigned to Microsoft which is well known for not offering other vendors' software.

Furthermore, the claims have been amended to clarify that the present invention operates in a manner significantly different from that described by Fawcett even if it is assumed that the summary provided to the user includes software from multiple vendors. Claim 1 has

been amended to recite vendor registration/reference means exemplified by, e.g., information registration module 48 in Fig. 5. In addition, the last two indented paragraphs in claim 1 have been amended to clarify that the new information about the computer-related products is “provided from said vendor registration/reference means” (claim 1, line 22) and that

the user registration information and the user status information ...
is transmitted from the user information general management
means to the vendor registration/reference means of a vendor of
the particular software product **and to another vendor** that sells
products that may be of interest to users of the particular software
product

(claim 1, lines 27-31, emphasis added), as indicated by, e.g., block S11 in Fig. 6. This enables each vendor to make its own determination regarding what software to inform the user about, instead of relying on the intermediary update service center to make that determination about software which the operator of the update service center may know little about. Thus, the present invention provides the benefit of providing information from the most knowledgeable source of information about the software that is described to the user. Since nothing has been cited or found in Fawcett (or Todd et al.) regarding the operations described on the last five lines of claim 1, it is submitted that claim 1 and claims 2-6 and 8 which depend therefrom, patentably distinguish over Todd et al. in view of Fawcett for the reasons discussed above.

Claims 10-13, 16, 18 and 19 similarly recite limitations like, “the using status information ... is transmitted from the user information general management means to a different vendor other than the software product's vendor” (e.g., claim 10, first three lines of last indented paragraph). Since claim 17 depends from claim 16 and claim 20 depends from claim 19, it is submitted that claims 10-13 and 16-20 patentably distinguish over Todd et al. in view of Fawcett for the reasons discussed above.

Claim 14 recites the invention from the point of view of a “terminal apparatus of a vendor” (claim 14, line 1) and recites that “the terminal apparatus can use the user registration information and the using status information from a user of a product of a **different vendor**” (claim 14, lines 14-15, emphasis added) and claim 15 recites a similar limitation. Therefore, it is submitted that claims 14 and 15 patentably distinguish over Todd et al. in view of Fawcett for the reasons discussed above.

Summary

It is submitted that the references cited by the Examiner, taken individually or in combination, do not teach or suggest the features of the present claimed invention. Thus, it is submitted

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that claims 1-6, 8 and 10-20 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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